

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

FILED
JUL 01 2019

David J. Bradley, Clerk

United States of America

v.

Saul DELAGARZA

YOB: 1973

SEALED

Case No.

M-19-1537-M

(Related: M-19-1538-M)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 27, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC Section 554

Offense Description

Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit: one AR-15 style rifle and two Glock 19 pistols, as defined by the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendants had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c) and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1 and 127.3 all in violation of Title 18, United States Code, Section 554.

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.AUSA Andrew Henning
7/1/19
Complainant's signature

Ryan McTaggart Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

7/1/19

City and state:

McAllen, Texas


Judge's signature

J. Scott Hacker United States Magistrate Judge

Printed name and title

Attachment "A"

On June 24, 2019, Saul DELAGARZA messaged a Homeland Security Investigations (HSI) undercover agent (UCA) a photograph of an AR-15 style rifle and the UCA and DELAGARZA discussed the sale of the firearm from DELAGARZA to the UCA.

On June 25, 2019, the UCA messaged DELAGARZA that the UCA would be traveling to Mexico to get the money to purchase the AR-15 style rifle and DELAGARZA asked the UCA if the UCA also wanted to purchase two (2) pistols. The UCA and DELAGARZA negotiated the terms of the sale and the UCA agreed to purchase the AR-15 style rifle and two (2) pistols after the money to purchase the firearms was brought from Mexico.

On June 27, 2019, the UCA told DELAGARZA that the money to purchase the firearms had been brought from Mexico and the UCA was ready to purchase the firearms from DELAGARZA. DELAGARZA stated the pistols were not ready, but DELAGARZA had the AR-15 style rifle available for sale.

On June 27, 2019, DELAGARZA met with an UCA in Pharr, Texas, and sold the UCA one (1) AR-15 style rifle.

On June 27, 2019, an UCA contacted DELAGARZA via telephone and advised DELAGARZA that the AR-15 style rifle, which DELAGARZA sold to the UCA, had been successfully smuggled into Mexico and DELAGARZA stated DELAGARZA was going to pick up the two pistols from a co-conspirator and would meet with the UCA to sell the pistols and the UCA. The UCA told DELAGARZA that the UCA would need to find a driver to transport the firearms into Mexico before the UCA would purchase the firearms.

On June 27, 2019, DELAGARZA met with an UCA and sold the UCA two (2) Glock Pistols and two (2) selector switches.

According to the Department of State, Office of Defense Trade Controls Compliance (DTCC), AR-15 style rifles and Glock Pistols are determined to be defense articles described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (22 U.S.C. 2778).